Criminal Application No. 805 of 2006

Hon. Prafulla C. Pant, J.

Heard Ms. Jyotsana, learned counsel for the petitioners.

By means of this petition, moved under Section 482 of Code of Criminal Procedure, 1973, the petitioners have sought quashing of the charge sheet relating to criminal case No. 392 of 2006, State Vs. Kenath Job under Sections 323, 504, 506 of I.P.C., pending before Chief Judicial Magistrate, Haridwar.

Learned counsel for the petitioners, argued that the petitioners are innocent and they have falsely been implicated in the crime. She further argued that the main accused was not charge sheeted by the police. The question relating to innocence of the petitioners is required to be examined during trial by the trial court and this Court is not expected to hold whether petitioners are innocent or not particularly when the evidence is yet to be adduced before the trial court. It appears that initially crime was registered under Section 323, 504, 307, 452 I.P.C. and the petitioners were charge sheeted only under Section 323, 504 I.P.C. The papers on record further reveal that there is cross case, filed by the petitioners against respondent No. 3.

In the circumstances, this Court is not inclined to interfere under Section 482 Cr.P.C. in the matter.

The petition is dismissed in limine with the observation that if the petitioners are arrested or surrender before the court concerned and move bail application, their bail shall be heard and disposed of without unreasonable delay by said court.

Dt. 18.10.2006 (P.C. Pant, J.)

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